

040204

01910 US PTO

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PTO/SB/05 (2/98)

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.

MMIC1100-2

First Inventor or Application Identifier

Robert J. Poth

Title

USAGE MONITORING HVAC CONTROL SYSTEM

Express Mail Label No.

EV338102400US**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:**Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**1. ☒ **Fee Transmittal for FY 2003**
(Submit an original and a duplicate for fee processing)2. ☒ **Specification** [Total Pages] **21**
(preferred arrangement set forth below)

- ☒ Descriptive Title of the Invention
☐ Cross References to Related Applications
☒ Background of the Invention
☒ Summary of the Invention
☒ Brief Description of the Drawings (if filed)
☒ Description of Preferred Embodiments
☐ References
☒ Claim(s)
☒ Abstract of the Disclosure

3. ☒ **Drawing(s)** (35 USC 113) [Total Sheets] **7**4. ☒ **Oath or Declaration** **2**
[Total Pages]

- a. ☐ Newly executed / Unexecuted (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)

i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting
inventor(s) named in the prior application,
see 37 CFR 1.63(d)(2) and 1.33(b)

5. ☒ **Incorporation By Reference** (useable if box 4b is checked).
The entire disclosure of the prior application, from
which a copy of the oath or declaration is supplied
under Box 4b, is considered to be part of the disclosure
of the accompanying application and is hereby
incorporated by reference therein.6. ☐ **Microfiche Computer Program (Appendix)**7. **Nucleotide and Amino Acid Sequence Submission**
(if applicable, all necessary)

- a. ☐ Computer-Readable Copy
b. ☐ Paper Copy (identical to computer copy)
c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS8. ☒ **Assignment Papers** (copy from prior application)9. ☐ **37 CFR 3.73(b)
Statement** ☒ **Power of Attorney**
(when there is an assignee)10. ☐ **English Translation Document (if applicable)**11. ☒ **Information Disclosure
Statement (IDS)/PTO-1449** ☐ **Copies of IDS
Citations**12. ☒ **Preliminary Amendment**13. ☒ **Return Receipt Postcard**14. ☐ **Small
Entity** ☐ **Statement filed in prior application,
Status still proper and desired**15. ☐ **Certified Copy of Priority Document(s)**
(if foreign priority is claimed)16. ☒ **Other: Certificate of Mailing; Filing Fee**17. **If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment**☐ Continuation ☒ Divisional ☐ Continuation-In-Part (CIP) of prior Application No.: **09/935,281 filed 08/22/01**Prior application information: Examiner **Masinick, Michael**Group / Art Unit **2125**☐ Claims the benefit of Provisional Application No.**CORRESPONDENCE ADDRESS:****Gray Cary Ware & Freidenrich LLP
1221 South MoPac Expressway, Suite 400
Austin, TX 78746-6875
Tel. (512) 457-7233
Fax. (512) 457-7001****Customer No. :****25094**TYPED or PRINTED NAME **John J. Bruckner**REGISTRATION NO. **35,816**

SIGNATURE

DATE: **April 2, 2004**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

040204

01919
U.S. PTO**FEE TRANSMITTAL
for FY 2004**

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 385.00**Complete if Known**

Application Number	Unknown
Filing Date	April 2, 2004
First Named Inventor	Robert J. Poth
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	MMIC1100-2

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ NoneDeposit
Account
Number

50-0456

Deposit
Account
Name

Gray Cary Ware & Freidenrich LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge (fees) indicated below. ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for filing fee
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	385	Utility filing fee	385
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 385.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims -20** = X =

Independent Claims -3** = X =

Multiple Dependent X =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**


Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	John J. Bruckner	Registration No. (Attorney/Agent)	35,816	Telephone	512-457-7233
Signature		Date	April 2, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

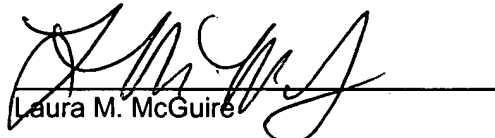
Gray Cary/AU4125609.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
CERTIFICATE OF MAILING BY "EXPRESS MAIL"	Atty Docket No. (Optional) MMIC1100-2
Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Sir:	In the Application of: Robert J. Poth
	Date Filed: April 2, 2004
	Title: USAGE MONITORING HVAC CONTROL SYSTEM

I hereby certify that the attached Divisional Patent Application Transmittal Form, Fee Transmittal, Preliminary Amendment, copy of the executed Declaration from parent, copy of the executed Assignment document from parent, copy of the executed Power of Attorney from parent, copy of the Utility Patent Application from parent, copies of Drawings from parent, Information Disclosure Statement and PTO SB/08A, Letter to Official Draftsperson with five (5) sheets of Formal Drawings, Filing Fee and Postcard are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No. **EV338102400US**, on **April 2, 2004** addressed to: **Mail Stop Patent Application**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

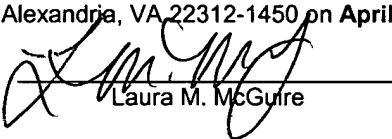
Gray Cary Ware & Freidenrich LLP


 Laura M. McGuire

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
LETTER TO OFFICIAL DRAFTSPERSON	Atty. Docket. No. MMIC1100-2
In re Application of: Robert J. Poth	
Application Number: Unknown	Filed: April 2, 2004
For: USAGE MONITORING HVAC CONTROL SYSTEM	
Group Art Unit: Unknown	Examiner: Unknown
Confirmation No. Unknown	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

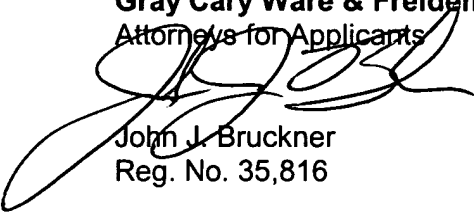
<p align="center"><u>Certification Under 37 C.F.R. §1.10</u></p> <p>I hereby certify that this document is being deposited with the United States Postal Service as Express Mail No. EV338102400US to Addressee in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450 on April 2, 2004.</p> <p align="center">  Laura M. McGuire </p>
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Applicant hereby submits five (5) pages of formal drawings and respectfully requests approval of the drawings. Applicant respectfully submits that no new matter has been entered.

While Applicant does not believe any fees are due and owing, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich LLP.

Respectfully submitted,

Gray Cary Ware & Freidenrich LLP
Attorneys for Applicants


John J. Bruckner
Reg. No. 35,816

Date: April 2, 2004

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